

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona
Dean D. Hunt

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff,

Plaintiff,

v.

THE WHITMAN PARTNERSHIP; JUDITH
WHITMAN REVOCABLE LIVING TRUST U/A/D
8/5/86; JUDITH WHITMAN; BERNARD WHITMAN
REVOCABLE LIVING TRUST U/A/D 8/5/86; and
BERNARD WHITMAN,

Defendants.

Adv. Pro. No. 10-04610 (CGM)

**STIPULATION AND ORDER FOR VOLUNTARY
DISMISSAL OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and the Whitman Partnership, Judith Whitman Revocable Living Trust U/A/D 8/5/86, Judith Whitman, Bernard Whitman Revocable Living Trust U/A/D 8/5/86, and Bernard Whitman (“Defendants”) by and through their counsel, Helen Davis Chaitman (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 1, 2010, the Trustee filed and served the Complaint against the Defendants.
2. On September 14, 2015, Defendants served an answer to the Complaint.
3. On July 26, 2021, Defendants Judith and Bernard Whitman filed a bankruptcy petition, Case No. 8:21-bk-03867-CPM, in the United States Bankruptcy Court for the Middle District of Florida (the “Bankruptcy Proceeding”).
4. On or about September 17, 2021, the Trustee filed a claim in the Bankruptcy Proceeding for the amount sought in this litigation (the “Bankruptcy Claim”).
5. On May 12, 2022, the Trustee’s Final Report was issued in the Bankruptcy Proceeding setting forth, among other items, a proposed payment for the Bankruptcy Claim.
6. On or about July 12, 2022, the Trustee received payment in resolution of the Bankruptcy Claim.
7. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding, and

dismissal of the adversary proceeding.

8. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

9. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original.

Dated: July 25, 2022
New York, New York

Of Counsel:

BAKER HOSTETLER LLP
811 Main, Suite 1100
Houston, Texas 77002
Telephone: (713) 751-1600
Facsimile: (713) 751-1717
Dean D. Hunt
Email: dhunt@bakerlaw.com

BAKER & HOSTETLER LLP

By: s/ Nicholas J. Cremona
45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for
the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff Investment
Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff*

CHAITMAN LLP

By: /s/ Helen Davis Chaitman

Helen Davis Chaitman

465 Park Avenue

New York, New York 10022

Phone & Fax : (888) 759-1114

hchaitman@chaitmanllp.com

Attorney for Defendants

SO ORDERED.

**Dated: July 26, 2022
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**